

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBIN BLAKE COMBS, SR.,

Plaintiff,

v.

STATE OF WASHINGTON,
WASHINGTON DEPARTMENT OF
CORRECTIONS, ELDON VAIL, BERNIE
WARNER, STEVE HAMMOND,
MICHAEL KENNEY, CARE REVIEW
COMMITTEE, RONALD FREDRICK,
TAMARA ROWDEN, ISRAEL (ROY)
GONZALEZ, JAY JACKSON, DIANA
BENFIELD, GREG GARRINGER, JOENNE
McGERR, GARY FRIEDMAN, JEFFREY A
UTTECHT, DAVID P. BAILEY, MELISSA
ANDREWJESKI, RUBY JOHNSON, MARK
BRAWDY, J. BROWN, BRYAN KING,
KEVIN K. SMITH MD, ELIZABETH
SUITER MD, DALE FETROE MD, JEAN
RYAN, ERIC ASKREN, JANE and JOHN
DOES,

Defendants.

No. C12-5280 RBL/KLS

ORDER DENYING MOTION FOR
APPOINTMENT OF EXPERT
WITNESSES

Before the Court is Plaintiff's motion for the appointment of a medical expert and a dietary expert. ECF No. 87. Defendants oppose the motion. ECF No. 92. Plaintiff filed a reply. ECF No. 96. For the reasons stated below, the motion will be denied.

DISCUSSION

Federal Rule of Evidence 706 allows the court to appoint a neutral expert. *Students of Cal. Sch. For the Blind v. Honig*, 736 F.2d 538, 549 (9th Cir. 1984), *vacated on other grounds*,

1 471 U.S. 148 (1985). The determination to appoint an expert rests solely in the court's discretion
2 and the complexity of the matters to be determined and the need for neutral expert review. *See*
3 *Leford v. Sullivan*, 105 F.3d 354, 358-59 (9th Cir. 1997).

4 The Court does not agree that experts are required in this case. The questions of whether
5 Defendants have violated Plaintiff's rights by failing to provide him with medical care or Kosher
6 meals are not so complicated or difficult that experts are required to present or prove the case.
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8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff's motion for the appointment of expert witnesses (ECF No. 87) is
10 **DENIED**.

11 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
12 Defendants.

13 **DATED** this 2nd day of May, 2013.

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16 Karen L. Strombom
17 United States Magistrate Judge
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